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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/673,063 | 01/04/2001 | Gebhard Michenfelder | 10191/1583 | 9602 |

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EXAMINER

STAFIRA, MICHAEL PATRICK

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

ART UNIT PAPER

17

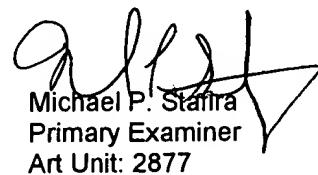
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Commissioner of Patents and Trademarks

The reply brief filed 12/23/2002 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

With reference to applicant's allegation of new ground of rejection as stated in the Reply Brief on pages 2-3. It is the USPTO's position under 1208.01 (see last two paragraphs) that any allegation that an examiner's answer contains an impermissible new ground of rejection is waived if not timely (37 CFR 1.181(f)) raised by way of a petition under 37 CFR 1.181(a) and therefore the final rejection stands.



Michael P. Stafra
Primary Examiner
Art Unit: 2877